

STATE OF SOUTH CAROLINA ) IN THE COURT OF COMMON PLEAS  
                              )  
COUNTY OF RICHLAND      ) Civil Action No. 2019-CP-40-05486  
  
ROBERT DURDEN INGLIS;    )  
FRANK HEINDEL,            )  
                              )  
Plaintiffs,               ) MOTION FOR INJUNCTIVE RELIEF  
                              ) (Expedited Hearing Requested)  
v.                         )  
                              )  
THE SOUTH CAROLINA        )  
REPUBLICAN PARTY & DREW   )  
MCKISSICK, State Chairman of  
the South Carolina Republican  
Party, in his official capacity. )  
                              )  
Defendants.               )  
                              )  
                              )

---

TO THE COURT, DEFENDANTS, AND ALL COUNSEL OF RECORD:

YOU WILL PLEASE TAKE NOTICE that counsel for Plaintiffs hereby move for a preliminary injunction pursuant to Rule 65 of the South Carolina Rules of Civil Procedure against all defendants, for their violations of S.C. Code Ann. §§ 7–11–20, 7–11–10, 7–11–30; the South Carolina Republican Party’s Rules, enforceable by law under S.C. Code Ann. § 7–11–20; the South Carolina Constitution’s Due Process Clause, Art. I § 3; and South Carolina administrative and corporate law. Plaintiffs seek injunctive relief, including:

1. An order requiring the Executive Committee of the South Carolina Republican Party to inform the State Election Commission that it will hold a presidential preference primary election in February 2020;
2. An order requiring the Executive Committee of the South Carolina Republican Party to withdraw any delegate allocation plan it may have submitted to the Republican National Convention by October 1, 2019, and to resubmit a delegate allocation plan following the final resolution of this action that is consistent with the orders of this Court.

The grounds for this motion are based upon the specific facts alleged in the complaint in this case, the Affidavit of Robert Durden Inglis attached hereto and incorporated herein as Exhibit A, the Affidavit of Frank Heindel attached hereto and incorporated herein as Exhibit B, a memorandum of law in support of this motion which will be filed prior to the hearing, and any additional materials which may be produced to the Court at the time of the hearing.

Dated: October 8, 2019

Respectfully submitted,

SOWELL & DuRANT, LLC

By: s/Bess J. DuRant

---

Thornwell F. Sowell III, SC Bar No. 5197  
Bess J. DuRant, SC Bar No. 77920  
1325 Park St., Suite 100  
Columbia, SC 29201  
Telephone: (803) 722-1100  
Facsimile: (803) 281-8890  
bsowell@sowelldurant.com  
bdurant@sowelldurant.com

Cameron Kistler\*\*  
Rachel F. Homer\*  
UNITED TO PROTECT DEMOCRACY, INC.  
2020 Pennsylvania Avenue, NW, #163  
Washington, D.C. 20006  
Telephone: (202) 579-4582  
Facsimile: (929) 777-8428  
cameron.kistler@protectdemocracy.org  
rachel.homer@protectdemocracy.org

John Langford\*  
UNITED TO PROTECT DEMOCRACY, INC.  
555 W. 5<sup>th</sup> St.  
Los Angeles, CA 90013  
Telephone: (202) 579-4582  
Facsimile: (929) 777-8428  
john.langford@protectdemocracy.org

Deana K. El-Mallawany\*  
UNITED TO PROTECT DEMOCRACY, INC.  
15 Main Street, Suite 312  
Watertown, MA 02472  
Telephone: (202) 579-4582  
Facsimile: (929) 777-8428  
deana.elmallawany@protectdemocracy.org

*Counsel for plaintiffs*

---

\* *Pro hac vice* applications submitted on October 8, 2019.

STATE OF SOUTH CAROLINA ) IN THE COURT OF COMMON PLEAS  
                              )  
COUNTY OF RICHLAND      ) Civil Action No. 2019-CP-40-05486  
  
ROBERT DURDEN INGLIS;    )  
FRANK HEINDEL,            )  
                              )  
Plaintiffs,                )  
                              )  
v.                          )  
                              )  
THE SOUTH CAROLINA        )  
REPUBLICAN PARTY & DREW    )  
MCKISSICK, State Chairman of  
the South Carolina Republican  
Party, in his official capacity.    )  
                              )  
Defendants.                )  
                              )  
                              )

---

## **EXHIBIT A TO MOTION FOR INJUNCTIVE RELIEF**

*Affidavit of Robert Durden Inglis*

STATE OF SOUTH CAROLINA	)	IN THE COURT OF
COUNTY OF RICHLAND	)	COMMON PLEAS
ROBERT DURDEN INGLIS; FRANK	)	Civil Action No. 2019-CP-
HEINDEL,	)	4005486
Plaintiffs,		
v.	)	)
THE SOUTH CAROLINA REPUBLICAN	)	)
PARTY & DREW MCKISSICK, State	)	)
Chairman of the South Carolina	)	)
Republican Party, in his official	)	)
capacity.	)	)
Defendants.		

---

#### AFFIDAVIT OF ROBERT DURDEN INGLIS

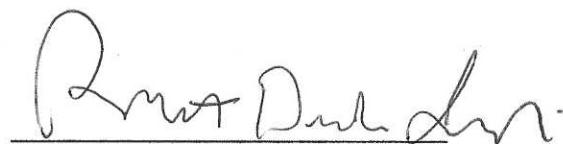
I, Robert Durden ("Bob") Inglis, being duly sworn, hereby depose and state:

1. I am a registered voter in Greenville County, South Carolina. My polling location is the Cleveland First Baptist Church.
2. I served as a South Carolina Representative in the United States Congress from 1993–1999 and 2005–2011. I have also served as a member of the Greenville County Republican Party Executive Committee.
3. I have voted regularly in South Carolina elections, including in numerous Republican primaries, for over three decades.
4. Prior to its cancellation, I intended to vote in the 2020 Republican presidential primary in South Carolina. I still wish to do so.

5. I believe that primary elections are a critical opportunity for members of the Republican Party, like myself, to participate in shaping the party. I further believe that South Carolina's primary election is particularly influential on the direction of the party given its status as the "First in the South" primary.

6. The decision of the Executive Committee of the South Carolina Republican Party to cancel the 2020 Republican presidential primary harms me by denying me the opportunity to vote for the presidential candidate of my choice in the primary. Not having a vote in the primary hampers my ability to help steer my party in the direction I want.

7. I declare under the penalty of perjury that the foregoing is true and correct.



Robert Durden ("Bob") Inglis

Greenville, South Carolina

Sworn to (or affirmed) and subscribed before me this the 5<sup>th</sup> day of October, 2019.



Nicole Smith

Official Signature of Notary



Nicole Smith  
Notary Public

My commission expires:

12-10-2023

STATE OF SOUTH CAROLINA ) IN THE COURT OF COMMON PLEAS  
                              )  
COUNTY OF RICHLAND      ) Civil Action No. 2019-CP-40-05486  
  
ROBERT DURDEN INGLIS;    )  
FRANK HEINDEL,            )  
                              )  
Plaintiffs,                )  
                              )  
v.                          )  
                              )  
THE SOUTH CAROLINA        )  
REPUBLICAN PARTY & DREW    )  
MCKISSICK, State Chairman of  
the South Carolina Republican  
Party, in his official capacity.    )  
                              )  
Defendants.                )  
                              )  
                              )

---

## **EXHIBIT B TO MOTION FOR INJUNCTIVE RELIEF**

*Affidavit of Frank Heindel*

STATE OF SOUTH CAROLINA	)	IN THE COURT OF
COUNTY OF RICHLAND	)	COMMON PLEAS
ROBERT DURDEN INGLIS; FRANK	)	Civil Action No. 2019-CP-
HEINDEL,	)	4005486
Plaintiffs,		
v.		
THE SOUTH CAROLINA REPUBLICAN	)	
PARTY & DREW MCKISSICK, State	)	
Chairman of the South Carolina	)	
Republican Party, in his official	)	
capacity.	)	
Defendants.		

---

### AFFIDAVIT OF FRANK HEINDEL

I, Frank Heindel, being duly sworn, hereby depose and state:

1. I am a registered voter in Charleston County, South Carolina. My polling location is the Mt. Pleasant National Guard Armory.
2. I regularly vote, including in the South Carolina Republican primaries in 2000, 2002, 2004, 2008, and 2012. I have also voted in numerous general elections in South Carolina, including in 2000, 2002, 2004, 2008, 2010, 2012, 2016, and 2018.
3. I have donated to the South Carolina Republican Party.
4. Before the South Carolina Republican Party announced that it had canceled the 2020 Republican presidential primary, I intended to vote in that primary. I still hope to do so.

5. I believe that primary elections are important to having a healthy debate, a healthy party, and a healthy democracy. I believe that as a voter, I deserve the opportunity to make my voice heard by participating in my party's primary.

6. I further believe that maintaining the South Carolina Republican Party's "First in the South" primary is particularly important because it gives me and our state party outsized influence over the direction of the national party.

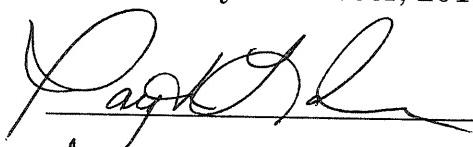
7. The South Carolina Republican Party's decision to cancel the 2020 Republican presidential preference primary harms me by preventing me from being able to vote in the Republican primary. It denies me the opportunity to express my political views and participate in the democratic process.



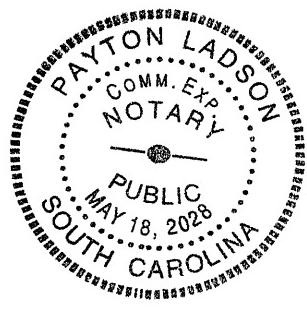
Frank Heindel

Charleston, South Carolina

Sworn to (or affirmed) and subscribed before me this the 8th day of October, 2019.



Official Signature of Notary



Payton Ladson  
Notary Public

My commission expires:

5. 18. 2028